

Appl. No. 09/833,349

Amdt. Dated Oct. 8, 2003

Reply to Office Action of July 8, 2003

Remarks/Arguments

Reconsideration of the application is requested.

Claims 1-5 and 7-22 remain in the application. Claims 5 and 7-11 are subject to examination and claims 1-4 and 12-22 have been withdrawn from examination. Claim 5 has been amended. Claim 6 has been canceled.

In item 5 on page 3 of the above-identified Office Action, claims 5 and 8-11 have been rejected as being anticipated by Reffert (U.S. 5,419,255) under 35 U.S.C. § 102(b).

The rejection has been noted and independent claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 20, line 13 to page 21, line 6 (page 20, line 18, in particular) of the specification of the instant application and the original claims of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 5 calls for, *inter alia*, an imaging assembly, comprising a printing plate, and an imaging machine for setting an image on said printing plate, said printing plate formed of a

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magnetically attractable material, said imaging machine including a magnetic cylinder magnetically holding said printing plate firmly during the setting of an image thereon, said magnetic cylinder having at least one magnet for attracting said printing plate magnetically and being selected from the group consisting of permanent magnets and electromagnets, said magnetic cylinder having a register system aligning said printing plate, and said printing plate having substantially U-shaped register cut-outs cooperating with said register system.

The Reffert reference discloses a device for creating a pattern on an endless form sleeve 4. A pattern forming head 5 is positioned relative to the outer surface of the sleeve. The sleeve is supported over at least a portion of its circumferential length on a rotatable magnetic support cylinder 8. Reffert does not show substantially U-shaped cut-outs for aligning the printing plate accurately in position relative to the magnetic cylinder, before it is firmly clamped in place (see page 20, line 20 et seq. of the instant specification for a detailed description).

Clearly, Reffert does not show "said magnetic cylinder having a register system aligning said printing plate, and said printing plate having substantially U-shaped register cut-outs

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cooperating with said register system", as recited in claim 5 of the instant application.

In item 8 on page 4 of the above-identified Office Action, claims 5-11 have been rejected as being unpatentable over Montgomery et al. (U.S. 5,947,028) (hereinafter "Montgomery") in view of Welch, Jr. (U.S. 3,670,646) under 35 U.S.C. § 103(a).

Montgomery discloses apparatus for holding metal printing plates on a rotating drum by the use of a vacuum. Holding the plates in place on the drum is facilitated by bending at least one edge of the plate to approximately match the drum curvature. The reference does not disclose or suggest substantially U-shaped cut-outs for aligning the printing plate accurately in position relative to the magnetic cylinder, before it is firmly clamped in place, according to the present invention.

Welch discloses a magnetically securable printing plate with printing particles located in nonprinting regions of the plate. The plate 48 is removably secured to a printing cylinder 56. Holes 20, 46 (see col. 3, lines 32-34, Fig. 1; col. 4, lines 68-70, Fig. 10, and col. 5, lines 37-40) may receive register pins. The holes have completely closed

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circular inner contours, in contrast to the present claimed invention ("substantially U-shaped register cut-outs" as recited in claim 5).

Welch does not overcome the deficiencies of Montgomery.

Moreover, there is no good reason why one skilled in the art would combine Welch with Montgomery other than hindsight reconstruction of the prior art relying on applicants' claimed invention. In fact, the Examiner acknowledges that Montgomery is silent "...whether the drum includes a register system for aligning the printing plate..." This is even further support that there is no reason to arbitrarily add Welch's register system to Montgomery as proposed by the Examiner but for applicants' disclosure. Therefore, it is submitted that the proposed combination of references is improper. Further, even if the references were combinable, the resulting structure still would not meet the claim limitations.

Further, the U-shaped cutouts recited in the claims is advantageous for automatically mounting the plate in the printing press, which is not shown or suggested in the cited prior art.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 5. Claim 5 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 5.

In view of the foregoing, reconsideration and allowance of claims 5 and 7-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

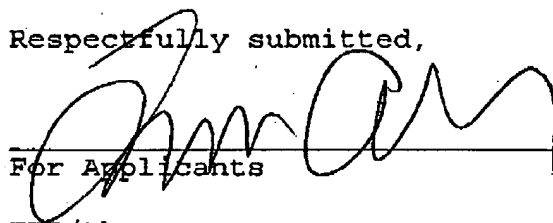
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Please charge any other fees that might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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For Applicants

FDP/tk

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